

## AGENDA

State of Wisconsin  
Livestock Facility Siting Review Board  
Meeting

January 18, 2008  
DATCP, Room 266  
2811 Agriculture Drive, Madison

- 10:00 a.m. OPEN SESSION CALL TO ORDER—Jim Holte, LFSRB Chair
- Open meeting notice
  - Approval of agenda
  - Approval of November 16, 2007, meeting minutes
- 10:15 a.m. Approval of changes to the LFSRB bylaws—Cheryl Daniels, Board Attorney
- 11:00 a.m. *Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01*— Cheryl Daniels, Board Attorney
- Case Status - Motion to Dismiss
  - Consolidation of Cases
  - Briefing Schedule
  - Future Board Discussion with Litigation Attorney
- 11:45 a.m. LUNCH
- 12:30 p.m. *Mark and Jane Brothen, and Eugene and Jeanne Dubord v. Vernon County, Docket No. 07-L-02*
- Nature of case
  - Notice of request for review
  - LFSRB jurisdiction in this case
- 2:00 p.m. Board Schedule and Future Agenda Items
- Next meeting-- February 15, 2008
  - Future agenda items
- 2:30 p.m. ADJOURN

**DRAFT MINUTES  
LIVESTOCK FACILITY SITING REVIEW BOARD  
TELECONFERENCE MEETING  
November 16, 2007  
Boardroom 106, 2811 Agriculture Drive, Madison, WI**

Chair Holte called the meeting to order at 11 a.m., and Price took the roll call. LFSRB members present were Lee Engelbrecht, Andy Johnson, Bob Selk, Bob Topel, and Fran Byerly. A quorum was present. Jerome Gaska joined the meeting at 11:17 a.m. DATCP staff present were Cheryl Daniels and Lori Price.

**Call to order**

Holte stated the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Topel moved to approve the agenda, and Johnson seconded the motion. The motion passed.

Holte presented the September 21, 2007, meeting minutes for approval. Johnson moved to approve the minutes as written, and Engelbrecht seconded the motion. The motion passed.

**Larson Acres, Inc. v. Town of Magnolia case, Docket #07-L-01—case status including possible motion to consolidate and upcoming briefing schedule; status of any stay on LFSRB order; and future board discussion with litigation attorney**

Daniels started this agenda item by refreshing the board on who filed appeals to the Rock County circuit court on the board's order in this case—one was filed by eight people within the two-mile radius of the facility and the other one was filed by the Town of Magnolia. Bob Hunter with DOJ will represent the board in these appeals. There was no closed session meeting between the board and Hunter at today's meeting because the court has not yet reviewed either appeal and there have been no requests to consolidate both appeals. Also, neither party filed a motion for a stay on the board's order to the county. However, Larson did file a motion to dismiss the appeals based on a procedural legal argument. The argument was that the motion for the board to reconsider the case was filed at the same time the appeals were filed, and the appeals should have been re-filed after the board made a decision on the motion for reconsideration. Larson claimed the 30-day deadline to file appeals after the board's decision on reconsideration has passed therefore causing the appeals to miss the filing deadline. Daniels commented that it is difficult to know if the court will accept this argument. Selk was in the opinion that the judge would probably deal with this through past case law and by asking who would be prejudiced by the motion to dismiss. Daniels stated that no schedule has been set to meet with Hunter, but she anticipated the board would most likely meet with him in January or February of 2008 at the earliest.

**Question of board meeting audio on website**

Daniels began this discussion by stating the board meetings were recorded in a format that allows the meeting audios to be placed on the board's webpage. If an individual cannot attend the meetings in person, they can listen to the audios on the webpage. However, there was a concern

with parts of the audio being used out of context. Board members expressed the same concern in that the audio could be edited to state something else and the quality of the audio is not always good. The board members decided to continue with the approved minutes as record of what took place at meetings. If the public would like to listen to the audio, they can request a copy through the department.

### **Formalizing input to board on policies and procedures**

Daniels reported that department staff requested the board's guidance on bringing policy issues before the board. Wisconsin Act 235 gives the board members the authority to consult with DATCP staff on specific issues that affect a specific case, but staff may have policy issues they would like to bring before the board in the process of working with the public on livestock siting. There were two suggestions as to how the department could bring issues before the board: 1) send a letter to the board requesting time on the next meeting agenda; or 2) the board could set aside time on each meeting agenda for discussion with department staff. Board members discussed this item and agreed to have a written request from staff explaining what the issue is about be sent through Holte and Daniels first so they can determine if the issue should go on the next meeting agenda. Also, staff should include a written report with the meeting materials that go to the board. Gaska asked if other groups would be afforded this same option. Holte responded that other groups have the same option if the information relates to the responsibilities the board has in its decision-making process and the board determines it is appropriate to its decision-making ability. Daniels added she will notify the board if more than one viewpoint will be given at a meeting.

### **Discussion of changes to board bylaws and appendix**

Daniels reported that after hearing the first case last summer, the board decided to make procedural changes to their bylaws. In brief, the changes were not accepting additional position statements from aggrieved parties unless the board requests additional statements; parties will have 5 days to shorten position statements longer than 10 pages; submission of amicus briefs follow the same rule as position statements; and parties can request oral argument at least 10 days before the meeting but the board decides whether to hear oral arguments. Johnson commented he would like to include under amicus briefs a statement to the fact that the board will decide through motion whether to accept the amicus brief into the record. Daniels responded she could request from the party submitting the amicus brief that they give a short explanation outlining why they should be able to submit an amicus brief and the issue(s) they want to address. Topel suggested that parties should be allowed to submit responses that correct matters of fact in position statements so the board doesn't receive incorrect information. On request for oral argument, the request should also state the reason for the request to present oral argument. Selk added the board could allow parties 10 days to respond to position statements with a maximum of 5 pages for the response. Daniels will make these changes to the bylaws and bring them back to the board for review at their next meeting.

### **Board schedule including next scheduled meeting and schedule of 2008 meetings; and future agenda items**

Daniels reported that no new cases will be brought before the board before the end of the year nor will the board know anything further on the Larson case appeals. She asked the board if they would like to meet by teleconference in December to review the bylaw changes or wait until the board is

scheduled to meet with litigation council, perhaps as early as January. The board members decided to review the bylaws when they meet with Hunter.

Before adjournment, Daniels confirmed with the board members that they received the information on the request for an opinion on the livestock siting law sent to the attorney general and the subsequent response from the attorney general.

### **Adjourn**

Topel moved to adjourn the meeting, and Byerly seconded the motion. The motion passed. The meeting ended at 12:02 p.m.

Respectfully submitted,

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Bob Selk, Secretary

Date

Recorder: LP



DATE: January 8, 2008

TO: Livestock Facility Siting Review Board Members

FROM: Cheryl Furstace Daniels, Board Attorney

SUBJECT: Information for January 18<sup>th</sup> Board meeting

1. Appendix to Bylaws

I have made the edits board members requested to the draft amendment of Appendix A to the Board's bylaws. They are in BOLD face on page A-4. Please let me know if there is anything you think I have missed.

2. Larson case

There have been several developments in the matter but the judge has still not set a schedule. Therefore, I will be making a report but you will not be meeting with litigation counsel at this meeting.

3. Dubord v. Vernon County

I have included the position statement by the county on the issue of whether the Board has jurisdiction in the matter to hear this case. Both the county and several people who live within 2 miles of the Parr facility sent in materials and additional statements, having to do with the merits of granting the manure storage permit to the farm operator. Because these materials go to the merits of the matter and not the jurisdiction issue, I have decided not to include these materials in your Board packet. Once the Board makes its determination on the jurisdiction issue, this will determine if the Board will review those materials.

## DRAFT AMENDMENTS 1/3/08

### Appendix A

#### A. Initiation of proceeding

##### 1. Request for review

An aggrieved person, as defined in sec. 93.90, Stats., may initiate a review of proceeding by filing an appropriate document that includes all of the following:

- (a) The name and address of the aggrieved person, and the name and address and telephone number of its principal representative, if any.
- (b) A clear and concise statement that the person filing the request meets the definition of aggrieved, s. 93.90(5)(a), Stats.
- (c) The name and address of the political subdivision, including the local administrative body that issued the decision, whose decision is being challenged.
- (d) The date the political subdivision issued the decision that is the subject of the request for review.
- (e) The name and address of the applicant, as listed on lines 1, 4 and 5 of the first page of the Application for Local Approval, if different from the aggrieved person.
- (f) A clear and concise statement of the issue or issues and grounds upon which the aggrieved person is challenging the decision along with the arguments supporting those grounds. The statement of position may not exceed ten (8 1/2" x 11") pages with a font no smaller than 12 point.

The appeal must be post-marked no later than 30 calendar days from the date that the political subdivision issued the decision which is the subject of the request for review. A request for review filed after this deadline will not be considered. The board may require a party to provide additional information to meet the requirements of (a)-(f) above. A request is not complete unless it meets the requirements of (a)-(f) above.

##### 2. Docket

Upon receipt of a request for review, the board will assign a docket number and create a docket sheet.

##### 3. Notice of Request for Review

The Board will provide the following parties-in-interest a notice of a request for review:

- (a) The aggrieved person filing the request for review.
- (b) The applicant if the request for review was filed by another party.
- (c) The political subdivision that issued the decision.

The Board will also provide notice reasonably calculated to inform anyone who owns, occupies, or has some other legal interest in the property within 2 miles of the proposed livestock facility that the local decision has been appealed to the board so they may participate in the proceedings as provided by these bylaws. Failure to provide this notice shall not invalidate the appeal process.

The notice shall include:

- (a) A copy of the request for review filed by an aggrieved person.
- (b) The docket number assigned to the request, which shall be used on all papers subsequently filed with the board.
- (c) A description of the review procedures of the board, including explanation that the board may delay its request for the record of decision-making to resolve jurisdictional issues.
- (d) A statement that the political subdivision, or any person meeting the definition of an "aggrieved person", other than the original aggrieved person making the appeal, may also file a statement of position, with a date by which they must postmark their filing. The statement of position may not exceed ten (8 1/2" x 11") pages with a font no smaller than 12 point.

#### 4. Request for record of decision making

As soon reasonably appropriate, the board shall send a notice to the political subdivision requesting the record of decision-making. The notice shall be mailed by certified mail, return receipt requested or by personal delivery, with a signed affidavit to the clerk of each affected political subdivision. The political subdivision shall provide a certified copy of the record as defined in ATCP 51.36 to the board within 30 days after the day on which it receives the notice.

Note: ATCP 51.36, Wis. Adm. Code, provides identifies the following as part of a complete written record of its decision-making related to an application under s. ATCP 51.30:

- (1) The application under s. ATCP 51.30(1), and all subsequent additions or amendments to the application.
- (2) A copy of any notice under s. ATCP 51.30(5), and copies of any other notices or correspondence that the political subdivision issues in relation to the application.
- (3) A record of any public hearing related to the application. The record may be in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a court reporter or stenographer. The record shall also include any documents or evidence submitted by hearing participants.
- (4) Copies of any correspondence or evidentiary material that the political subdivision considered in relation to the application.
- (5) Minutes of any board or committee meeting held to consider or act on the application.
- (6) The written decision required under s. ATCP 51.34(3).
- (7) Other documents that the political subdivision prepared to document its decision or decision-making process.
- (8) A copy of any local ordinance cited in the decision.

Note: The political subdivision must receive an application for approval that includes all the information required by Appendix A of the rule [ATCP 51.30(1)], issue a notice of complete application and a notice to adjacent property owners [ATCP 51.30(5) and (6)], issue a written decision to approve or deny a application [ATCP 51.34(3)], and have ordinance that requires local approval. [ATCP 51.10(2)]

A political subdivision that does not comply with the notice within 30 days shall be sent a second notice. The board may enforce this requirement using available legal remedies.

#### 5. Time to make its decision

The 60 day requirement for making a final decision shall not start until the board has received a certified copy of the record of decision-making. The board will make a dated entry on the docket sheet when the political subdivision has filed a certified copy of the record.

### **B. Pre-decision administrative procedures**

#### 1. Board Attorney

The attorney assigned to the board shall be provided a copy of the request for review and the certified record.

After receipt of the request and record, the board attorney will schedule the matter for consideration by the board at its next available meeting. The board attorney will arrange for the parties to receive notification about board review of the request.

The board attorney may make any other arrangements to expedite or facilitate review of a case including arrangements for the board to consult with the department of agriculture, trade and consumer protection or the department of natural resources concerning the application of the requirements related to water quality.

#### 2. Requirement for communications and papers.

All communications and papers related to a case before the board shall clearly show the title of the proceeding and the docket number.

All communications, documents and papers submitted to the board during any point in a proceeding, shall be submitted to the board at this address:

Livestock Facility Siting Review Board  
c/o Wisconsin Department of Agriculture, Trade and Consumer Protection  
P.O. Box 8911  
Madison, WI 53708-8911

For further information, the Department will use the Board's website to convey changes in procedures or other information. That website is [www.livestocksiting.wi.gov](http://www.livestocksiting.wi.gov).

Except as otherwise provided in these rules, any document submitted to the board, prior to, during, or after hearing shall be submitted with seven (7) copies in addition to the original. All matters submitted to the board shall be printed, typed or otherwise legibly duplicated. The original of each document submitted shall be signed by an attorney or representative of record for the party, or in case of a party not so represented, by the party itself, or by an officer of the party if it is a corporation or an unincorporated association.



All communications and papers submitted to the board shall be served on all parties not represented by counsel or upon their agents designated by them or by law. Submission upon such counsel or representative shall constitute submission upon the party.

Proof of submission shall be submitted to the board only if the submission is challenged.

### 3. Statement of Position

By the date specified in the notice, any person who meets the definition of an aggrieved person including the applicant and the political subdivision may file a statement of position that explains why the challenge is or is not valid. A statement of position may not exceed ten (8 1/2" x 11") pages with a font no smaller than 12 point.

**Within ten days after the date specified in the notice for filing position statements, any party may submit one additional position statement to respond to other position statements. A response position statement may not exceed five (8 1/2" x 11") pages with a font no smaller than 12 point.**

### 4. Corrections to Position Statement

If an initial statement of position is longer than 10 pages, the Board will immediately contact the author to state that the statement will not be accepted at its page length. The author will have 5 days to submit a statement of position within the correct page length. **If a response statement of position exceeds five pages, it will not be accepted by the Board.**

### 5. Amicus Briefs

**A non-party with an interest in the outcome of the proceedings may request leave from the Board to file an amicus brief. The request will include a statement as to the interest of the person filing the brief and the reasons for the request. The requestor shall attach the amicus brief which may not exceed ten (8 1/2" x 11") pages with a font no smaller than 12 point. The request and attached amicus brief must be submitted by the date specified in the notice for submission of position statements by the parties.**

**The Board will vote on whether to grant the request for filing any amicus brief. If the Board grants leave to file any amicus brief, that brief will become part of the record that the Board will consider in making its decision in the case.**

## **C. Decision making process**

### **1. Summary disposition**

At any time during review, a case may be summarily dismissed if a request for review is filed by a person who is not "aggrieved" or if the request does not challenge a matter within the board's jurisdiction. A summary disposition of a case will not become final for fifteen days after the decision is made. Within this period, the person who filed the request for review may request that the Board reconsider its summary disposition.

Note: S. 93.90(5)(b) provides that an aggrieved person may challenge the decision of a political subdivision on an application for approval on the grounds that the political subdivision incorrectly applied the state standards under S. 93.90 (2) (a) that are applicable to the livestock facility siting or expansion or violated s. 93.90 (3), by requesting the board to review the decision.

An aggrieved person is a person who applied for approval of a livestock facility siting or expansion, a person who lives within two miles of the proposed livestock facility, or a person who owns land within two miles of the proposed livestock facility.

### **2. Board consideration**

The board shall be provided the certified record at least two (2) weeks in advance of the date of the board's deliberation.

### **3. Additional evidence and argument**

No party has a right to submit additional documentary evidence, provide testimony from any witnesses, or present oral argument to the board. The board may open the record to receive additional evidence to resolve jurisdictional questions, and may seek oral argument if members deem it necessary. A party may request oral argument at least 10 days prior to the meeting where the board will deliberate on the matter in which the party has an interest.

### **4. Record of hearings or proceedings before board**

A record of proceedings in open session shall be made using a tape recorder or other device. Minutes shall be prepared to record board actions.

### **5. Standard of review**

The board shall make its decision without deference to the decision of the political subdivision and shall base its decision only on the evidence in the record.

### **6. Deliberation**

Every board meeting will be conducted in open session except that the board may convene in closed session for the specific statutorily authorized purposes "[d]eliberating concerning a case which was the subject of a quasi-judicial hearing before the board." A closed session will only convene upon proper notice and compliance with procedures. As a matter of policy, the board will vote in open session in regard to any case, unless doing so would compromise the need for the closed session.

The board will follow the procedures in Wis. Stat. secs. 19.83 and 19.85(1).

Sec. 19.83 requires that every meeting of a governmental body such as the board be preceded by a public notice and be held in open session. All discussion at these meetings shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in sec. 19.85.

Before convening in closed session, sec. 19.85(1) requires that the governmental body such as the board pass a motion, by recorded majority vote, to convene in closed session. If a motion is unanimous, there is no requirement to record the votes individually. No motion to convene in closed session may be adopted unless the chief presiding officer announces to those present at the meeting at which such motion is made, the nature of the business to be considered at such closed session, and the specific exemption or exemptions under sec. 19.85(1) by which such closed session is claimed to be authorized. Such announcement shall become part of the record of the meeting.

No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.

Under sec. 19.85(2), no governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session.

## 7. Final Decision

The board will issue a final written decision. If the board's final decision is appealed to circuit court, the board chair or designee shall certify the board's decision and record to the circuit court.

## 8. Extension of Time

Any time limit prescribed in s. 93.90(5) may be extended for good cause shown. Extensions may be granted even if a party has not requested an extension. Any such request to extend any time limit shall be in writing and be received at least 3 working days before the expiration of such time limit. Each party of record will be provided written notice of any extension.

## **D. Rules of Conduct**

### 1. Communication by and to the Board

No member of the board shall communicate, directly or indirectly, with any party or other person outside of the formal proceedings of the board regarding any issue related to the request for review without first consulting with board chair and then providing notice and opportunity for all parties to participate.

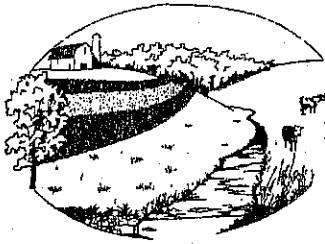
No person having knowledge that a request for an appeal hearing has been filed and no party to an appeal hearing shall communicate, directly or indirectly, with any member of the board outside of the review process.

A board member who receives an ex parte communication in violation of this section shall place on the case record all written communications received, all written responses made, a memorandum stating the substance of all oral communications received and responses made, and the identity of each person from whom the Board member received an ex parte communication. The board member shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party or other person involved in such ex parte communication desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

## 2. Disqualification and Recusal

A board member shall be subject to disqualification for bias, prejudice, interest, or any other good cause. Immediately upon becoming aware of facts or circumstances supporting disqualification, a party shall file with the Chair of the board a motion of disqualification against any member of the board. Upon a party's motion for disqualification, the member of the board against whom the motion was filed shall consider the motion and determine whether to disqualify himself or herself. A determination not to disqualify oneself may be overturned by a favorable vote of at least three members of the board. A person who is disqualified cannot participate in or be present for any aspect of a board's decision.

Board members, on their own initiative, shall recuse themselves whenever they determine they have irreconcilable conflicts of interest or the appearance of such conflicts of interest. A member of the board shall accomplish recusal by filing a written notice of recusal with the Chair of the board. Such written notice shall include sufficient details to enable the Chair to understand the basis for recusal.



**Vernon County**  
**Land & Water Conservation Department**

220 Airport Road, Viroqua, Wisconsin 54665 • Phone (608) 637-5480 FAX (608) 637-8322  
<http://wi.nacdnet.org/vernon>

December 27, 2007

State of Wisconsin Livestock Facility Siting Review Board  
Attn: Cheryl Furstace Daniels, Board Attorney  
PO Box 8911  
Madison, WI 53708-8911

Dear Mrs. Furstace Daniels:

Vernon County would like to issue a statement of position in regards to our existing livestock facility licensing ordinance as it relates to Parr Farms and Jeff and Bonnie Parr. The Vernon County Livestock Facility Licensing Ordinance was approved by the Vernon County Board of Supervisors on August 8, 2007. Vernon County has not received any kind of Livestock Facility Licensing Ordinance application from Jeff and Bonnie Parr.

Our current Manure Storage Ordinance (Chapter 22, Article 3, Vernon County Code of Ordinances) as adopted by the Vernon County Board of Supervisors on July 16, 2002. This ordinance regulates the installation of new manure storage facilities by requiring minimum standards as well as permit fees (reference Exhibit 9 for a copy of this ordinance). As we are aware, the only other permit received by the Parr's was a "building permit" issued by the Township of Sterling through the authority of a Driveway Ordinance (reference Exhibit 7 for information on this permit as obtained by our department through an open records request). This permit may have given the Parr's a "vested rights" argument should a facility license have been required. Please see ATCP 51.06 and 51.08 on how this "building permit" affects the livestock siting requirements.

The only application received by the Vernon County Land and Water Conservation Department (LWCD) for any activity on this site was in association with the permitting requirements of the existing Vernon County Manure Storage Ordinance (please reference Exhibit 2 for copies of the manure storage application materials). Jeff and Bonnie Parr's application paperwork for the Manure Storage Permit was first received by the Vernon County Land and Water Conservation Department on July 13, 2007. Please note that the receipt date of this manure storage application predates Vernon County's passage of a Livestock Facility Licensing Ordinance. Jeff and Bonnie Parr were awarded their manure storage permit on October 3, 2007 after fulfilling our supplemental requests for all required information, as dictated by the Vernon County Manure Storage Ordinance (please reference Exhibit 3 for documentation on further site investigations). Please note here that the final award letter is dated after the effective date of the livestock facility licensing ordinance. The award letter also stated that a final determination of all permitting requirements was to be made by the Vernon County Land Conservation Committee (LCC) at their meeting on October 9, 2007 (please reference Exhibit 5 for correspondence associated with Jeff and Bonnie Parr as well as a copy of this letter).

Initially, Vernon County LWCD requested that Jeff and Bonnie Parr voluntarily apply for a permit under the Livestock Facility Licensing Ordinance; however, Vernon County has not received any application materials from Jeff and Bonnie Parr. A decision was made on the Parr's Manure Storage Permit prior to the commencement of any construction on the proposed facility during the October 9, 2007 LCC meeting (please

reference Exhibit 8 for a copy of the meeting minutes). The decision was made by the Vernon County Land Conservation Committee on October 9, 2007 to exempt the Parr facility from the Livestock Facility Licensing Ordinance requirements with language as follows:

"Motion to exempt the Parr operation from the Livestock Facility Licensing Permit; however, building can not commence until after a nutrient management plan checklist, signed by a Wisconsin-certified Nutrient Management Planner, (as the only missing portion of a typical livestock siting application) has been approved by the Vernon County Land Conservation Committee. A complete nutrient management plan must be submitted to the Vernon County Land and Water Conservation Department prior to putting any livestock in the facility."

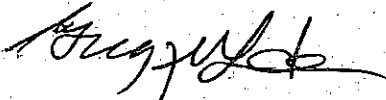
Dave Jelinski, DATCP Director of the Bureau of Land and Water Resources, was in attendance at this meeting and was invited into closed session for discussion of proposed actions in association with the state administrative code ATCP 51 (reference Exhibit 6 for documented correspondence between Vernon County and DATCP). The complete nutrient management plan was already required, as part of the manure storage ordinance, to be submitted by March 15, 2008. Vernon County has received a copy of the Parr's nutrient management plan checklist and determined that checklist to be complete by the Land Conservation Committee at their meeting on November 8, 2007. It is our understanding that the Parr's have now commenced building their proposed livestock facility. Although we have received several drafts (reference Exhibit 4 for the most current plan), Vernon County still awaits a finalized nutrient management plan to fulfill the conditions that were placed on the manure storage permit (reference Exhibit 5 for a letter listing the additional items required).

Enclosed please find other documents that Vernon County has acquired throughout the process of livestock facility licensing ordinance development and the Parr Farms Manure Storage Ordinance permitting activity (reference Exhibit 1 for a timeline of activities). It is the position of the Vernon County LWCD that no livestock facility license is required by Parr Farms or Jeff and Bonnie Parr.

Sincerely,



Kelly Jacobs  
County Conservationist  
Vernon County LWCD



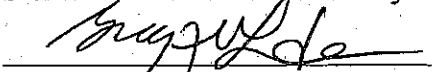
Greg Lunde  
Corporation Counsel  
Vernon County

Cc: 7 additional copies of position statement enclosed (letter and timeline only)

I, Kelly Jacobs, Vernon County Conservationist, do certify that all items enclosed are true and correct copies of actual documents on file.

  
Kelly K. Jacobs

Subscribed and sworn on this 27th day of December, 2007.



Gregory M. Lunde  
Notary Public  
Commission is permanent.

## Time Line Regarding Parr Farms Waste Storage Application Approval

- 4-17-07 Meeting with Mike Sexton, Kelly Jacobs & Paul Krahn to discuss application requirements. Informed Mike we were looking into adopting livestock siting ordinance.
- 4-16-07 Sent Jeff information regarding WPDES permitting and 590 plans.
- 5-24-07 "Building Permit" issued by Town of Sterling.
- 6-20-07 Soils investigation at Parr farm.
- 6-21-07 Sent Jeff information of DNR sponsored workshop for farmers expanding to WPDES permit size.
- 7-13-07 Parrs submit manure storage application.
- 7-23-07 Began reviewing application.
- 7-24-07 Emailed Mike Sexton (private consultant) with questions and comments after a partial review of the application.
- 7-26-07 Met with Ralph Hemling, DATCP - certified Engineering Practitioner, to review the structural design. Phone conversation with Mike Sexton and Todd Bohme (engineer) regarding structural information needed.
- 7-27-07 Mike emailed me some additional information requested.
- 8-7-07 Received some additional information regarding soils and pit sizing. Did not receive topo map that was suppose to be included. **Livestock Facility Licensing Ordinance** enacted.
- 8-8-07 Meeting with Jim Vandenbrook, Sue Porter, Mike Sexton, Jeff Parr, Kelly Jacobs and Paul Krahn to review 590 plan submitted.
- 8-10-07 Sent letter after complete review of the application. Requested additional information.
- 8-30-07 Phone conversation with Todd Bohme regarding control joints.
- 9-7-07 Letter to Parrs informing them of requirement to apply for a Livestock Facility License.
- 9-26-07 Received some more additional required information.
- 9-28-07 Letter from Dave Jelinski regarding Parr's need to apply for a Livestock Facility License.
- 9-28-08 Received topographic map.
- 10-2-07 Received final required documentation (Precast components & certification). Manure storage permit deemed complete. Met with Corporation Counsel.
- 10-3-07 Manure storage permit issued, along with the October 3<sup>rd</sup> letter regarding decision by LCC about Livestock Facility permit. Delivered to Parr's home in person by Paul Krahn.
- 10-9-07 Land Conservation Committee (LCC) meeting regarding Parr and Livestock Facility Licensing Ordinance.
- 10-16-07 Letter sent to Parr's explaining results of October 9<sup>th</sup> LCC meeting regarding Livestock Facility Licensing Ordinance.
- 11-8-07 LCC meeting approving the Nutrient Management Plan Checklist submitted by the Parr's.

Written by Paul Krahn 12-21-07.